

21 C.J.S. Courts § 58

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

D. Jurisdiction of Person

4. Particular Circumstances or Actions Affecting Exercise of Personal Jurisdiction

§ 58. Real property as basis for personal jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, Courts  13.3(2) to 13.3(4), 13.3(6) to 13.3(8), 13.3(12), 13.4(1), 13.4(6)

Property ownership may be considered under the general tests for minimum contacts to support the forum state's exercise of specific personal jurisdiction but must be related to the litigation.

Property ownership may be considered under the general tests for minimum contacts to support the forum state's exercise of specific personal jurisdiction, but the property ownership must be related to the litigation.¹ The defendant's ownership of property in the forum state is not in and of itself a sufficient contact with the state to justify personal jurisdiction with respect to an unrelated cause of action,² but it is an important consideration in any minimum contacts analysis for a related action.³

By one analysis, the purchase of real property in a state establishes not a single contact for minimum contacts purposes but many continuing contacts over a long period of time, carrying many continuing obligations to the forum, such as taxes and maintenance expenses.⁴

State statutes authorize personal jurisdiction with respect to a cause of action arising from the defendant's ownership, use, or possession of real property in the state,⁵ as well as real property leases.⁶ Equitable ownership may be sufficient,⁷ but a trustee's mere beneficial interests were insufficient as minimum contacts.⁸

The action need not challenge the ownership of the property or have the property itself as its subject matter so long as there is a substantial connection between the action and the ownership of the property.⁹ Ownership alone, however, entailing no activity in the forum state other than remote out-of-state transactions and a single visit to the property, is not sufficient minimum contact for personal jurisdiction.¹⁰ A trust's ownership of property in the forum state, as the trust's only contact with the forum, did not provide a sufficient basis for personal jurisdiction over the trust in a negligence action arising out of the sale of trust property.¹¹

In the context of tort actions, tortious injuries to property may fall within the allowable scope of a forum's personal jurisdiction.¹²

CUMULATIVE SUPPLEMENT

Cases:

Intestate's niece, who was citizen and resident of Canada, did not engage in persistent course of conduct within Commonwealth of Virginia, as basis for circuit court's exercise of personal jurisdiction over niece, under long-arm statute, in action brought by administrator of intestate's estate for claims based on allegations that niece had illegally removed funds from several bank accounts belonging to intestate and intestate's husband to fund litigation on petition to be declared as intestate's guardian and conservator; niece's pre-litigation contact with Virginia consisted of traveling to Virginia, having certain legal documents drawn up, and returning with intestate to Canada, other contact with Virginia was for limited purpose of litigating petition for guardianship/conservatorship, and niece's contacts with Virginia did not exist for long or longer than usual time and were not enduring or lingering, but instead involved discrete quantum of activity. [Va. Code Ann. § 8.01-328.1\(A\)\(4\). Mercer v. MacKinnon, 823 S.E.2d 252 \(Va. 2019\).](#)

[END OF SUPPLEMENT]

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Footnotes

1 U.S.—[Burnham v. Superior Court of California, County of Marin](#), 495 U.S. 604, 110 S. Ct. 2105, 109 L. Ed. 2d 631 (1990).

N.H.—[Fellows v. Colburn](#), 162 N.H. 685, 34 A.3d 552 (2011).

Tex.—[Alliance Royalties, LLC v. Boothe](#), 329 S.W.3d 117 (Tex. App. Dallas 2010).

A.L.R. Library

Long-arm statutes: in personam jurisdiction over nonresident based on ownership, use, possession, or sale of real property, 4 A.L.R.4th 955.

2 U.S.—[Rush v. Savchuk](#), 444 U.S. 320, 100 S. Ct. 571, 62 L. Ed. 2d 516 (1980).

Fla.—[Schwartzberg v. Knobloch](#), 98 So. 3d 173 (Fla. 2d DCA 2012).

3 Tex.—[Goodenbour v. Goodenbour](#), 64 S.W.3d 69 (Tex. App. Austin 2001).

4 Tex.—[Retamco Operating, Inc. v. Republic Drilling Co.](#), 278 S.W.3d 333 (Tex. 2009).

5 U.S.—[MSD Energy, Inc. v. Gognat](#), 507 F. Supp. 2d 764 (W.D. Ky. 2007) (applying Kentucky law).

Fla.—[Bechtold v. Bechtold](#), 588 So. 2d 321 (Fla. 4th DCA 1991).

N.Y.—[Matter of Estate of Schreiter](#), 169 Misc. 2d 706, 647 N.Y.S.2d 69 (Sur. Ct. 1996).

Tex.—[Potkovich v. Regional Ventures, Inc.](#), 904 S.W.2d 846 (Tex. App. Eastland 1995).

Real property sale as sufficient contact

Tex.—[Williams v. Pichichero](#), 2006 WL 2263909 (Tex. App. San Antonio 2006).

Oil and gas interests as sufficient contact

Tex.—[Retamco Operating, Inc. v. Republic Drilling Co.](#), 278 S.W.3d 333 (Tex. 2009).

Transaction of property business

N.M.—[Harrell v. Hayes](#), 125 N.M. 814, 1998-NMCA-122, 965 P.2d 933 (Ct. App. 1998).

N.Y.—[Black River Associates v. Newman](#), 218 A.D.2d 273, 637 N.Y.S.2d 880 (4th Dep't 1996).

S.D.—[Lund v. Lund](#), 2012 ND 255, 825 N.W.2d 852 (N.D. 2012).

6 Ga.—[Goodman v. Vilston, Inc.](#), 197 Ga. App. 718, 399 S.E.2d 241 (1990).

7 Wis.—[Godlewski v. Godlewski Living Trust ex rel. Butler](#), 2010 WI App 71, 325 Wis. 2d 403, 786 N.W.2d 490 (Ct. App. 2010).

8 N.Y.—[Henning v. Rando Mach. Corp.](#), 207 A.D.2d 106, 620 N.Y.S.2d 867 (4th Dep't 1994).

9 Fla.—[Damoth v. Reinitz](#), 485 So. 2d 881 (Fla. 2d DCA 1986).

10 Mo.—[Farris v. Boyke](#), 936 S.W.2d 197 (Mo. Ct. App. S.D. 1996).

11 N.H.—[Fellows v. Colburn](#), 162 N.H. 685, 34 A.3d 552 (2011).

12 §§ [56, 57](#).

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